

HON. BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN BUCKINGHAM,

Defendant.

NO. CR20-5269-BHS

ORDER GRANTING MOTION FOR
COMPETENCY EVALUATION

Based on the information presented in the unopposed Motion for Competency Evaluation, the sealed Declaration of Lance Hester, and the records and files in this case, the Court hereby finds that there is reasonable cause to believe that defendant Brian Buckingham may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly, the Motion for a Competency Evaluation and Hearing pursuant to 18 U.S.C. §§ 4241 and 4247 is hereby granted.

IT IS HERBY ORDERED that defendant Brian Buckingham undergo an evaluation to be conducted within 30 days by a psychiatrist and/or psychologist chosen by the Attorney General who shall attempt to determine if Buckingham is able to understand the nature and consequences of the proceedings against him and if he is able to assist in his defense and/or represent himself. The evaluation shall be conducted either

1 at the Federal Detention Center SeaTac where Buckingham is currently detained, or at
2 another United States Bureau of Prisons facility designated by the Attorney General. The
3 30 days shall commence on the date Buckingham is designated for the competency
4 evaluation and arrives at the facility where the competency examination is to be
5 conducted.

6 IT IS HEREBY ORDERED that the examining psychiatrist and/or psychologist
7 prepare a report of their examination, file the report with the Court, and provide copies to
8 the defendant, defense counsel, and the government.

9 IT IS HEREBY ORDERED that the competency evaluation shall not be
10 videotaped.

11 IT IS FURTHER ORDERED that any time resulting from any proceeding,
12 including any examinations, to determine defendant's competency shall be excluded in
13 computing the time within which trial must commence. 18 U.S.C. § 3161(h)(1)(A).

14 IT IS SO ORDERED.

15 Dated this 25th day of August, 2022.

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BENJAMIN H. SETTLE
United States District Judge

Presented by:

s/ Rebecca S. Cohen

REBECCA S. COHEN

Assistant United States Attorney